



General Assembly

February Session, 2008

Raised Bill No. 5147

LCO No. 513

00513_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING INVASIVE PLANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-84 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2008*):

3 (a) The director of the Connecticut Agricultural Experiment Station
4 shall have charge of all matters pertaining to official control,
5 suppression or extermination of insects or diseases which are, or
6 threaten to become, serious pests of plants of economic importance. He
7 shall receive no additional compensation for such work, and may
8 designate members of the station staff to carry out certain lines thereof
9 and may employ such other assistance as may be required. Said
10 director may: [cooperate] (1) Cooperate with the agents of the United
11 States Department of Agriculture in the control of plant pests; [may]
12 (2) make regulations and orders regarding the destruction or treatment
13 of infested plants; [may] (3) seize, treat, disinfect or destroy any plants
14 or plant material moved in violation of any quarantine or regulation
15 established under the provisions of this section or suspected of being
16 infested by any dangerous insect pest or plant disease; [may] (4)
17 prohibit or regulate the transportation of plants and plant materials,

18 brick, stone and quarry products or any other objects or materials
 19 liable to carry dangerous pests and may designate certain areas or
 20 districts wherein all such plants may be destroyed; [. Said director is
 21 authorized to promulgate] (5) adopt, and [to] enforce by appropriate
 22 regulations, a quarantine prohibiting or restricting the transportation
 23 of any class of nursery stock, plant, fruit, seed or other article capable
 24 of carrying any dangerous plant disease or insect infestation, with
 25 reference to which the Secretary of Agriculture of the United States has
 26 not determined that a quarantine is necessary and established such
 27 quarantine, into or through this state or any portion thereof from any
 28 other state, the District of Columbia or any part of such state or said
 29 district in which said director finds such plant disease or insect
 30 infestation to exist; [. Said director is authorized to make] (6) adopt
 31 regulations for the seizure, inspection, disinfection, destruction or
 32 other disposition of any nursery stock, plant, fruit, seed or other article
 33 capable of carrying any dangerous plant disease or insect infestation, a
 34 quarantine with respect to which has been established by the Secretary
 35 of Agriculture of the United States, and which have been transported
 36 to, into or through this state in violation of such quarantine; [. Said
 37 director may] (7) inspect nurseries and nursery stock, as defined in
 38 section 22-97, for any violation of the provisions of section 22a-381d, as
 39 amended by this act; and (8) establish and maintain a quarantine
 40 against any premises, district, town or group of towns in this state,
 41 provided, before any quarantine is established within the state, a
 42 public hearing shall be held, of which five days' notice shall be given to
 43 the parties affected, either by mail or by publishing such notice in two
 44 newspapers having a circulation in the part of the state affected by
 45 such quarantine. [Said]

46 (b) The director or [any person authorized by him to enforce the
 47 provisions of this section] a designee may, at any reasonable time,
 48 enter any public or private premises [in the performance of his duty] to
 49 enforce the provisions of this section. Any person aggrieved by any
 50 order of quarantine issued under the provisions of this section may
 51 appeal to the Superior Court, or to any judge thereof if said court is not

52 in session, and said court or such judge may grant such relief or issue
53 such order or judgment in the premises as to equity may appertain.

54 (c) Any person interfering with [any person in the performance of
55 his duty under the provisions of this section] the director's or the
56 director's designee's authority under this section or violating any
57 quarantine or any regulation established under [said] the provisions of
58 this section shall be fined not less than five dollars [nor] or more than
59 one hundred dollars.

60 Sec. 2. Subsection (e) of section 22-344 of the general statutes is
61 repealed and the following is substituted in lieu thereof (*Effective July*
62 *1, 2008*):

63 (e) The commissioner may, at any time, inspect or cause to be
64 inspected by [his] the commissioner's agents any such commercial
65 kennel, pet shop, grooming facility or training facility, and if, (1) in
66 [his] the commissioner's judgment such kennel, pet shop, grooming
67 facility or training facility is not being maintained in a sanitary and
68 humane manner or in a manner that protects the public safety, [or if
69 he] (2) the commissioner finds that contagious, infectious or
70 communicable disease or other unsatisfactory conditions exist, [he] or
71 (3) in the case of a pet shop, the commissioner finds any violation of
72 the provisions of section 22a-381d, as amended by this act, the
73 commissioner may issue such orders as [he deems] necessary for the
74 correction of such conditions and may quarantine the premises and
75 animals. If the owner or keeper of such kennel, pet shop, grooming
76 facility or training facility fails to comply with the regulations or
77 orders of the commissioner, or fails to comply with any provision of
78 the statutes or regulations relating to dogs or other animals, the
79 commissioner may revoke or suspend such license. Any person
80 aggrieved by any order issued under the provisions of this section may
81 appeal therefrom in accordance with the provisions of section 4-183.
82 Any person maintaining any commercial kennel, pet shop, grooming
83 facility or training facility without having obtained a license for the

84 same or after any such license has been revoked or suspended as
 85 provided herein shall be fined not more than two hundred dollars. The
 86 provisions of this section shall not apply to veterinary hospitals, except
 87 those boarding or grooming dogs for nonmedical purposes, and other
 88 establishments where all the dogs or animals were born and raised on
 89 the premises where they are kept for sale.

90 Sec. 3. Section 22a-381d of the general statutes is repealed and the
 91 following is substituted in lieu thereof (*Effective July 1, 2008*):

92 (a) Notwithstanding the provisions of any ordinance adopted by a
 93 municipality, no person shall [import,] move, except for eradication,
 94 research or educational purposes, shall import, sell, purchase,
 95 transplant [,] or cultivate, except for research purposes, or shall
 96 distribute any of the following invasive plants: (1) Curly leaved
 97 Pondweed (*Potamogeton crispus*); (2) fanwort (*Cabomba caroliniana*);
 98 (3) eurasian water milfoil (*Myriophyllum spicatum*); (4) variable water
 99 milfoil (*Myriophyllum heterophyllum*); (5) water chestnut (*Trapa*
 100 *natans*); (6) egeria (*Egeria densa*); (7) hydrilla (*Hydrilla verticillata*); (8)
 101 common barberry (*Berberis vulgaris*); (9) autumn olive (*Elaeagnus*
 102 *umbellata*); (10) Bell's honeysuckle (*Lonicera xbella*); (11) amur
 103 honeysuckle (*Lonicera maackii*); (12) Morrow's honeysuckle (*Lonicera*
 104 *morrowii*); (13) common buckthorn (*Rhamnus cathartica*); (14)
 105 multiflora rose (*Rosa multiflora*); (15) Oriental bittersweet (*Celastrus*
 106 *orbiculatus*); (16) garlic mustard (*Alliaria petiolata*); (17) narrowleaf
 107 bittercress (*Cardamine impatiens*); (18) spotted knapweed (*Centaurea*
 108 *biebersteinii*); (19) black swallow-wort (*Cynanchum louiseae*); (20) pale
 109 swallow-wort (*Cynanchum rossicum*); (21) leafy spurge (*Euphorbia*
 110 *esula*); (22) Dame's rocket (*Hesperis matronalis*); (23) perennial
 111 pepperweed (*Lepidium latifolium*); (24) Japanese knotweed
 112 (*Polygonum cuspidatum*); (25) mile-a-minute vine (*Polygonum*
 113 *perfoliatum*); (26) fig buttercup (*Ranunculus ficaria*); (27) coltsfoot
 114 (*Tussilago farfara*); (28) Japanese stilt grass (*Microstegium vimineum*);
 115 (29) common reed (*Phragmites australis*); (30) sycamore maple (*Acer*
 116 *pseudoplatanus*); (31) princess tree (*Paulownia tomentosa*); (32) white

117 poplar (*Populus alba*); (33) false indigo (*Amorpha fruticosa*); (34)
 118 Russian olive (*Eleagnus angustifolia*); (35) wineberry (*Rubus*
 119 *phoenicolasius*); (36) kudzu (*Pueraria montana*); (37) Canada thistle
 120 (*Cirsium arvense*); (38) jimsonweed (*Datura stramonium*); (39) crested
 121 late-summer mint (*Elsholtzia ciliata*); (40) Cypress spurge (*Euphorbia*
 122 *cyparissias*); (41) slender snake cotton (*Froelichia gracilis*); (42) ground
 123 ivy (*Glechoma hederacea*); (43) giant hogweed (*Heracleum*
 124 *mantegazzianum*); (44) Japanese hops (*Humulus japonicus*); (45)
 125 ornamental jewelweed (*Impatiens glanulifera*); (46) common kochia
 126 (*Kochia scoparia*); (47) ragged robin (*Lychnis flos-cuculi*); (48) Scotch
 127 thistle (*Onopordum acanthium*); (49) bristle knotweed (*Polygonum*
 128 *caespitosum*); (50) giant knotweed (*Polygonum sachalinense*); (51)
 129 sheep sorrel (*Rumex acetosella*); (52) ragwort (*Senecio jacobaea*); (53)
 130 cup plant (*Silphium perfoliatum*); (54) bittersweet nightshade
 131 (*Solanum dulcamara*); (55) garden heliotrope (*Valeriana officinalis*);
 132 (56) hairy jointgrass (*Arthraxon hispidus*); (57) drooping brome-grass
 133 (*Bromus tectorum*); (58) Japanese sedge (*Carex kobomugi*); (59) reed
 134 managrass (*Glyceria maxima*); (60) Canada bluegrass (*Poa compressa*);
 135 and (61) tree of heaven (*Ailanthus altissima*).

136 (b) Notwithstanding the provisions of any ordinance adopted by a
 137 municipality, no person shall move, except for eradication, research or
 138 educational purposes, shall import, sell, purchase or transplant, shall
 139 cultivate, except for research purposes, or shall distribute any
 140 reproductive portion of any invasive plant listed in subsection (a) or (c)
 141 of this section. For the purposes of this subsection, "reproductive
 142 portion" includes, but is not limited to, seeds, flowers, roots and
 143 tubers.

144 ~~[(b)]~~ (c) Notwithstanding the provisions of any ordinance adopted
 145 by a municipality, on or after October 1, 2005, no person shall [import,]
 146 move, except for eradication, research or educational purposes, shall
 147 import, sell, purchase, transplant [,] or cultivate, except for research
 148 purposes, or shall distribute any of the following invasive plants: (1)
 149 Purple loosestrife (*Lythrum salicaria*); (2) forget-me-not (*Myosotis*

150 scorpioides); (3) Japanese honeysuckle (*Lonicera japonica*); (4)
 151 goutweed (*Aegopodium podagraia*); (5) flowering rush (*Butomus*
 152 *umbellatus*); (6) pond water-starwort (*Callitriche stagnalis*); (7)
 153 European waterclover (*Marsilea quadrifolia*); (8) parrotfeather
 154 (*Myriophyllum aquaticum*); (9) brittle water-nymph (*Najas minor*);
 155 (10) American water lotus (*Nelumbo lutea*); (11) yellow floating heart
 156 (*Nymphoides peltata*); (12) onerow yellowcress (*Rorippa microphylla*);
 157 (13) watercress (*Rorippa nasturtium-aquaticum*), except for watercress
 158 sold for human consumption without its reproductive structure; (14)
 159 giant salvinia (*Salvinia molesta*); (15) yellow iris (*Iris pseudacorus*);
 160 (16) [water lettuce (*Pistia stratiotes*); (17)] border privet (*Ligustrum*
 161 *obtusifolium*); [(18)] (17) tatarian honeysuckle (*Lonicera tatarica*); [(19)]
 162 (18) dwarf honeysuckle (*Lonicera xylosteum*); and [(20)] (19) garden
 163 loosetrife (*Lysimachia vulgaris*).

164 [(c)] (d) From [June 26, 2003] July 1, 2008, until October 1, [2005]
 165 2013, no municipality shall adopt any ordinance with an effective date
 166 prior to October 1, 2012, regarding the retail sale or purchase of any
 167 invasive plant.

168 [(d)] (e) Any person who violates the provisions of this section shall
 169 be fined not more than one hundred dollars per plant.

170 Sec. 4. Section 22a-381c of the general statutes is repealed and the
 171 following is substituted in lieu thereof (*Effective October 1, 2008*):

172 No state agency, department or institution shall purchase any plant
 173 listed as invasive or potentially invasive pursuant to section 22a-381b,
 174 provided nothing in this section shall be construed to prohibit such
 175 purchase if such purchase is necessary to honor a state contract in
 176 effect as of the date any such plant is listed as invasive or potentially
 177 invasive pursuant to section 22a-381b. Nothing in this section shall be
 178 construed to prohibit any state agency, department or institution, or
 179 the agents of such agency, department or institution, from transporting
 180 any invasive or potentially invasive plant for educational, [or] research
 181 or eradication purposes.

182 Sec. 5. Subsection (b) of section 51-164n of the 2008 supplement to the
183 general statutes is repealed and the following is substituted in lieu
184 thereof (*Effective July 1, 2008*):

185 (b) Notwithstanding any provision of the general statutes, any
186 person who is alleged to have committed (1) a violation under the
187 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
188 283, 7-325, 7-393, 8-25 of the 2008 supplement to the general statutes, 8-
189 27, 9-63, 9-296 of the 2008 supplement to the general statutes, 9-305, 9-
190 322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-
191 170aa, 12-292, or 12-326g of the 2008 supplement to the general
192 statutes, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of
193 section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-
194 107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-
195 140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42,
196 section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a,
197 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412,
198 section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-
199 27a, subsection (e) of section 14-34a, subsection (d) of section 14-35,
200 section 14-43, 14-49 of the 2008 supplement to the general statutes, 14-
201 50a or 14-58, subsection (b) of section 14-66 of the 2008 supplement to
202 the general statutes, section 14-66a, 14-66b or 14-67a, subsection (g) of
203 section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b,
204 14-103a of the 2008 supplement to the general statutes, 14-106a, 14-
205 106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in
206 subsection (f) of section 14-164i, section 14-219 as specified in
207 subsection (e) of said section, subdivision (1) of section 14-223a, section
208 14-240, 14-249, 14-250 or 14-253a of the 2008 supplement to the general
209 statutes, subsection (a) of section 14-261a of the 2008 supplement to the
210 general statutes, section 14-262, 14-264, 14-267a of the 2008 supplement
211 to the general statutes, 14-269, 14-270, 14-275a, 14-278 or 14-279,
212 subsection (e) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-
213 319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1),
214 (2) or (3) of section 14-386a, section 15-33, subsection (a) of section 15-
215 115, section 16-256, 16-256e, 16a-15 of the 2008 supplement to the

216 general statutes or 16a-22, subsection (a) or (b) of section 16a-22h,
 217 section 17a-24, 17a-145 of the 2008 supplement to the general statutes,
 218 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 of the
 219 2008 supplement to the general statutes or 17b-734, subsection (b) of
 220 section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b)
 221 of section 19a-87a, section 19a-91 of the 2008 supplement to the general
 222 statutes, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286,
 223 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339,
 224 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or
 225 20-324e, subsection (a) of section 20-341 of the 2008 supplement to the
 226 general statutes, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-
 227 39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25 of the 2008
 228 supplement to the general statutes, 21a-26 or 21a-30, subsection (a) of
 229 section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77 of the 2008
 230 supplement to the general statutes, subsection (b) of section 21a-79,
 231 section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34,
 232 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49,
 233 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a,
 234 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of
 235 section 22-344, section 22-359, 22-366, 22-391 of the 2008 supplement to
 236 the general statutes, 22-413 of the 2008 supplement to the general
 237 statutes, 22-414 of the 2008 supplement to the general statutes, 22-415
 238 of the 2008 supplement to the general statutes, 22a-66a of the 2008
 239 supplement to the general statutes or 22a-246, subsection (a) of section
 240 22a-250, subsection (e) of section 22a-256h, [subsection (a) of] section
 241 22a-381d, section 22a-449 of the 2008 supplement to the general
 242 statutes, 22a-461, 23-37, 23-38, 23-46 of the 2008 supplement to the
 243 general statutes or 23-61b, subsection (a) or (b) of section 23-65, section
 244 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61,
 245 26-64, 26-79, 26-89, 26-97 of the 2008 supplement to the general
 246 statutes, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207,
 247 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13 of the 2008 supplement to
 248 the general statutes, 29-6a, 29-109, 29-143o, 29-143z, 29-161y, 29-161z,
 249 29-198, 29-210 of the 2008 supplement to the general statutes, 29-243,

250 29-277, 29-316, 29-318, 29-341 of the 2008 supplement to the general
 251 statutes, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12 of the 2008
 252 supplement to the general statutes, 31-13 of the 2008 supplement to the
 253 general statutes, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-
 254 32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52,
 255 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-
 256 74, 31-75, 31-76, 31-76a of the 2008 supplement to the general statutes,
 257 31-89b or 31-134, subsection (i) of section 31-273, section 31-288 of the
 258 2008 supplement to the general statutes, 36a-787, 42-230, 45a-450, 45a-
 259 634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59,
 260 46b-22 of the 2008 supplement to the general statutes, 46b-24 of the
 261 2008 supplement to the general statutes, 46b-34, 46b-38dd of the 2008
 262 supplement to the general statutes, 46b-38gg of the 2008 supplement to
 263 the general statutes, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133,
 264 subsection (a) or (b) of section 53-211, or section 53-212a, 53-249a, 53-
 265 252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-
 266 344 or 53-450, or (2) a violation under the provisions of chapter 268, or
 267 (3) a violation of any regulation adopted in accordance with the
 268 provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any
 269 ordinance, regulation or bylaw of any town, city or borough, except
 270 violations of building codes and the health code, for which the penalty
 271 exceeds ninety dollars but does not exceed two hundred fifty dollars,
 272 unless such town, city or borough has established a payment and
 273 hearing procedure for such violation pursuant to section 7-152c, shall
 274 follow the procedures set forth in this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2008</i>	22-84
Sec. 2	<i>July 1, 2008</i>	22-344(e)
Sec. 3	<i>July 1, 2008</i>	22a-381d
Sec. 4	<i>October 1, 2008</i>	22a-381c
Sec. 5	<i>July 1, 2008</i>	51-164n(b)

Statement of Purpose:

To allow the director of the Connecticut Agricultural Experiment Station to inspect nurseries for violations of section 22a-381d of the general statutes, to allow the Commissioner of Agriculture to issue orders in the case of a pet shop violating section 22a-381d of the general statutes, to expand the prohibition against invasive plants to include their seeds, flowers, roots and tubers, to allow for the use of invasive plants for research purposes, and to allow violators to pay the fine without having to appear in court.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]